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S E C R E T SECTION 01 OF 03 TEGUCIGALPA 001802

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SUBJECT: HONDURAN IMMIGRATION SCANDAL: ROMERO ATTACKS
EMBASSY IN LEGAL COMPLAINT; BAIL UNLIKELY TO BE REVOKED

REF: A. TEGUCIGALPA 1790 (NOTAL)

1B. TEGUCIGALPA 1789 AND PREVIOUS

Classified By: Charge d'Affaires a.i. James G. Williard;
reasons 1.4 (b) and (d).

1. (C) Summary. The Honduran Immigration scandal continues to be a hot topic. Former Immigration Director Ramon Romero filed a legal complaint August 29 against EmbOfs, in an apparent attempt to distract attention from his own legal problems. The Special Prosecutor for Organized Crime appeal of the August 18 release of Romero on bail is likely to fail, according to a judge on the appeals court which is hearing the appeal. The judge also said that the complaint against EmbOfs constituted a very poor legal strategy that would fail. Meanwhile, two Immigration employees were fired and arrested in La Ceiba that same day for alleged corrupt/illegal activities. End Summary.

Romero Files Legal Complaint Against EmbOfs

2. (SBU) In documents shared with the Honduran press August 29, former Immigration Director Ramon Romero formally accused FBI agents and the Embassy of wrongdoing (specifically charging former DCM Roger Pierce with alleged wrongdoing, but also mentioning former Political Counselor Francisco Palmieri briefly with respect to a meeting about the departure from Honduras of a Nicaraguan criminal wanted in the U.S.). The complaint alleges EmbOfs of helping the accused bomber of a Cuban airliner Luis Posada Carriles enter Honduras from Panama. Romero's lawyer presented this information to a Honduran court as part of a complaint that the Embassy has improperly supported Romero's indictment in an Immigration scandal because Romero did not support Posada's stay in Honduras. The complaint appears to be an attempt to divert attention from the case against Romero. Romero also claimed that he opposed Embassy efforts involving the departure of foreigners from Honduras in legal cases, naming two specific cases. Post has faxed a copy of Romero's 21-page legal complaint (minus the hundreds of attachments) to WHA/CEN. Rumors have circulated that former Minister of Government and Justice Jorge Ramon Hernandez Alcerro will file a similar legal complaint, which would be an odd decision if taken, since it appears at present that Hernandez Alcerro will escape being prosecuted on any charges related to the scandal.

3. (S) (Note: Posada Carriles entered Honduras on August 26, 2004, with a stolen, forged U.S. passport on a charter flight that arrived at the San Pedro Sula airport from Panama. A week earlier, Panamanian authorities had told the USG that President Maduro had agreed to accept Posada, but Maduro and the GOH have denied they ever sanctioned Posada's entry. Posada then apparently traveled to the U.S., entering illegally, and is currently being processed for violations of U.S. immigration law. End Note.)

4. (C) According to Embassy sources, Romero and his lawyer Juan Carlos Sanchez have a history of using legal complaints as a tool to battle charges against colleagues or clients. According to a source, Romero and his lawyer have in the past filed complaints for various clients who ran afoul of the law. These complaints were usually filed with the Human Rights Ombudsman. The tactic is allegedly used to take the pressure off the actual charges and the defendant. It creates a side show and the criminal charges are often later quietly dismissed.

Appeals Court Judge Meets with Charge

5. (C) Charge and PolChief met August 30 with Francisco "Paco" Alberto Ruiz Hernandez (protect), a member of the three-magistrate appeals court in Tegucigalpa that is considering the Public Ministry's appeal to revoke bail for Romero. Judge Ruiz, a close contact of the previous DCM, requested the meeting. Ruiz brought the Embassy a copy of the Romero case papers, and went through key aspects in the case with EmbOfs, noting several minor but important errors on the part of the prosecutor (the actual paperwork was filed

by a prosecutor under Special Prosecutor for Organized Crime Doris Aguilar). Ruiz noted that with the May 6 order by Judge Eduard Navarro, Romero was jailed only on the charge of abuse of authority, and not the other two charges filed (which included alien smuggling). The prosecution could have, but apparently did not, appeal this ruling seeking to have the grounds for the jailing expanded to cover the other two charges. That set the stage for Romero's successful request for bail in August. Ruiz noted that similar cases of alleged abuse of authority by former senior GOH officials have repeatedly resulted in house arrest or bail being granted, and stated abuse of authority was a particularly difficult charge to make stick against GOH officials. (Note: This tracks with what Post has seen over the last couple of years. End Note.)

16. (C) Ruiz said Supreme Court President Vilma Morales had instructed the appeals court to uphold the judge's ruling granting bail, apparently based on the weakness of the prosecution's appeal. Ruiz said that, while he could vote for revoking bail due to the fact that Romero was still capable of interfering in the case (as evidenced by his legal complaint) and was a possible flight risk, he doubted his two appeals court colleagues would be prepared to do the same unless instructed to by Morales. Ruiz said a decision could be made as early as August 31. When asked if Morales' motivation was defending the independence of the judicial branch, corruption, or both, Ruiz said he believed that Morales was not corrupt and was defending judicial independence, although a bit blindly. However, Ruiz said he believed that Supreme Court Justice Nicholas Garcia Sorto, close to Morales, was corrupt. Ruiz noted that the Court Inspectorate was not functioning, lacking basic legislation which meant that only limited administrative sanctions were possible, something that were rarely applied in any event.

17. (C) Ruiz said that the best tactic was for the Special Prosecutor to file additional charges against Romero and seek to have his bail revoked and have him jailed on those charges. Charge subsequently on August 31 asked USAID consultant Robert Selk, a U.S. prosecutor who is temporarily in Honduras on a previously-scheduled consultancy at the Public Ministry, to work with Special Prosecutor Aguilar to see if he can provide any technical assistance on the Romero case.

18. (C) With regard to Romero's legal complaint against the Embassy, Ruiz said that the complaint against EmbOffs constituted a very poor legal strategy that would fail. Ruiz later sent the Embassy a complete copy of the complaint.

Two Immigration Officials Arrested in La Ceiba

19. (C) Two Immigration employees at the La Ceiba Airport were fired August 29 by Vice Minister of Government Luis Suazo; they are currently under arrest. VM Suazo went personally to La Ceiba to terminate their employment. According to a reliable source, GOH authorities discovered that the immigration inspectors were charging an extra tax to passengers leaving the airport. Investigators caught both in their offices, each with over 1,000 lempiras (USD 53) that was unaccounted for. It is alleged by Embassy sources that part of this money was being kicked back to VM Suazo; GOH investigators and prosecutors will investigate this allegation. GOH authorities have also found two Honduran passports that looked to have been duplicated. Ironically, Minister of Government and Justice Jose Roberto Pacheco Reyes told EmbOffs in an August 24 meeting that VM Suazo was one person EmbOffs could trust on Immigration issues.

Political Ramifications for National Party

10. (C) National Party candidate for mayor of Tegucigalpa, Ricardo Alvarez, who groomed Romero as his protege, called PolChief August 27 to discuss the Romero case. Alvarez said that he had met with Romero's brother to ask that Romero withdraw his name as a city council candidate on Alvarez's ticket. Alvarez said Romero's brother said Romero was not prepared to do so. Alvarez claimed, as he has in the past, that he had no knowledge of Romero's allegedly corrupt activities. National Party officials continue to be nervous about the potential impact of the ongoing scandal on the close presidential race.

Three Ring Circus of a Scandal Continues

11. (C) Comment: In a scandal with daily developments, Romero's legal complaint appears to have had the desired effect of diverting attention from his case. Post now believes it is likely that Romero's bail will not be revoked. The best hope appears to be bolstered charges by the Special Prosecutor for Organized Crime. Post is convening a meeting September 1 of relevant Embassy sections to discuss any steps

required to address the complaint against the Embassy. At this point, based on Judge Ruiz's comments, the complaint poses little threat and could be counterproductive to Romero's defense. Ruiz stated that the Embassy is completely protected by diplomatic immunity and that his judicial colleagues would frown on this obvious ploy to divert attention from the charges against Romero. End Comment.
Williard